

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

## OSSIE LEE SLAUGHTER,

V.

## AND RECOMMENDATION

PATRICK R. GLEBE, et al.,

## Defendants.

CASE NO. C15-5484 BHS-JRC

## ORDER ADOPTING REPORT AND RECOMMENDATION

PATRICK R. GLEBE, et al.,

## Defendants.

This matter comes before the Court on the Report and Recommendation (“R&R”) of the Honorable J. Richard Creatura, United States Magistrate Judge (Dkt. 177), and Plaintiff’s objections to the R&R (Dkt. 203).

On October 27, 2017, Plaintiff moved for summary judgment. Dkt. 169. On December 12, 2017, Judge Creatura issued the R&R, recommending that the Court deny Plaintiff's motion. Dkt. 177. On February 5, 2017, Plaintiff objected. Dkt. 203.

The district judge must determine de novo any part of the magistrate judge's disposition that has been properly objected to. The district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions. Fed. R. Civ. P. 72(b)(3).

The R&R recommends denying Plaintiff's motion on the basis that Plaintiff failed to carry his initial burden as the movant on summary judgment and establish the absence

1 of any genuine dispute as to material facts. Specifically, the R&R notes that, despite  
2 citing generally to the various declarations he has previously filed, Plaintiff has failed to  
3 establish that his belongings were destroyed or that any defendant has acted against him  
4 with a retaliatory motive. Plaintiff objects, arguing that he is entitled to summary  
5 judgment “because the Defendants have made overt, false, spurious statements in their  
6 responses and declarations . . . and cannot be trusted.” Dkt. 203.

7 Ascertaining the accuracy or purported falsity of Defendants’ evidence is an issue  
8 that is resolved by reviewing the record and weighing the credibility of competing  
9 evidence. Plaintiff has not provided evidence to demonstrate that the Government’s  
10 declarations are necessarily false. Accordingly, the R&R was correct in determining that  
11 Plaintiff has not carried his burden on summary judgment to establish that there are no  
12 genuine disputes of material fact and Plaintiff’s motion must be denied.

13 The Court having considered the R&R, Plaintiff’s objections, and the remaining  
14 record, does hereby find and order as follows:

- 15 (1) The R&R is **ADOPTED**; and  
16 (2) Plaintiff’s motion (Dkt. 169) is **DENIED**.

17 Dated this 26th day of February, 2018.

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BENJAMIN H. SETTLE  
United States District Judge